

## ***Questions***

*The purpose of this ANPR is to seek input from industry and other interested parties on the three SEMS approaches described above. In addition to receiving input on the approaches identified in this ANPR, this process will also allow MMS to evaluate alternative ideas. MMS invites specific comments on the following:*

### ***SEMS Approaches***

*Which of the three identified approaches do you consider most responsive to MMS's stated goals and why?*

*A **Complete SEMS Approach**, since the two other approaches are not effectively adjusted to serve this purpose.*

*Are there other safety and environmental management systems or programs that MMS should review? Please provide as much detail as possible.*

*Since this industry is marked international, MMS should consider whether it would be useful to incorporate the IADC HSE Case concept.*

*Does the subpart O model using audits, informal employee interviews, and testing described above, provide a suitable model for verifying the implementation of a performance-based safety and environmental management program? Are there alternative approaches to the subpart O model that the MMS should consider?*

*To assess whether a SEMS has been properly implemented and functions as intended, a mix of auditing and verification techniques may successfully be applied. Such regulatory supervisory activities should be risk-based.*

*Should MMS or a third party verify that a performance-based safety and environmental management program is working? Should audits be periodic or should they be triggered by events or indicators?*

*MMS should examine this issue itself, but MMS might also wish to employ impartial 3<sup>rd</sup> parties to verify other parts of the functioning of the management system. Audits should mainly be initiated based on risk parameters, but may also be triggered by events.*

*Should MMS review the SEMS plan, review and approve the SEMS plan, or have an independent third party verify, review, and approve the SEMS plan?*

This is an issue where misconceptions commonly prevail. As we see it, management systems are the property of their owners (operators and contractors). The purposes of these systems are to satisfy the owner that both the regulatory authorities' as well as the companies' own, internal requirements are being adhered to. Regulators should therefore not interfere by requiring to approve the management systems, but base their regulatory activities on assessing that these systems do what they are supposed to do. To require to approve such systems will most likely result in useless, time and resource consuming paper exercises.

*Should SEMS plans be in addition to the current prescriptive regulations or should the SEMS plan be in lieu of certain prescriptive regulations?*

Difficult to fully comprehend this question. A safety management system as such does not incorporate nor substitute regulatory requirements. The important thing is whether the regulator possesses the competence and capacity to verify that the company complies with those regulations or standards that the management system refers to (or that they have introduced equal solutions).

*What standards should a SEMS plan include to provide consistent and credible approaches to offshore operational safety and environmental performance?*

We do not have a particular view on this.

*- Would these documents, standards, or guidelines be domestic or international?*

They should be as much as practicable possible in accordance with international standards.

*What criteria should the MMS use to determine whether an operator has a viable SEMS plan?*

MMS should be able to assess this through its supervisory activities.

*Is API RP 75 a sufficient model for addressing all the factors associated with offshore industry practices? If not, please provide the MMS with your suggestions on an appropriate model.*

Relevant ISO standards could also be used.

### ***Alternative Compliance Program***

*Should MMS consider developing a ‘pilot program’ to assess an alternative compliance program for outstanding operators?*

“Outstanding operators” do most likely already have a working S&E management system in place. A pilot program for the not-so-outstanding operators would probably be more relevant and useful?

*What advantages does a SEMS regulatory approach have for companies compared to prescriptive approach?*

The companies will have better possibilities to choose among various technical solutions that have equality, and it will allow for introducing new technology.

*What disadvantage does a SEMS regulatory approach have for companies as compared to a prescriptive approach?*

If they do not already have a management system, companies will need to invest more resources in introducing and implementing the system that will ensure they do adhere to regulatory requirements. Since the onus for complying with the regulations nevertheless rests with the companies, this might not be such a big disadvantage, after all ...